Mr. Allen McCreight, Chief
FOIA/PA Branch
FBI
Washington, D.C. 20535

Rt. 12, Frederick, Md. 21701
3/9/78

Dear Mr. McCreight

FOIA request

There is a current book titled Legend by Edward J. Epstein. It deals with a subject in which I believe I have some expertise, a subject that has been included in some of my FOIA requests of the FBI to which there has not been response, and in a manner I believe is grossly unfair to the FBI and former Director Hoover. This request relates to that book, its content, its accuracy or fairness - to any and all information relating to Yuri Ivanovich Nosenko in connection with Lee Harvey Oswald, the Warren Commission, the CIA and to a lesser degree with an alleged double-agent identified as "Fedora."

With "Fedora" I have a concern that what Epstein says may have endangered his life if there is a real "Fedora." My interest in "Fedora" is limited to the content of what Epstein has written and said, not only in the book but in what I am sure the FBI is aware of, other publications like New York Magazine and Readers Digest.

In the past there has been an approved FBI policy of not responding to my requests. In this case because of the subject matter, its timeliness and because of other factors well known to the FBI and established as a matter of court records, like my age, health and the nature of my work, I am asking for expedited processing. For the same reasons I am also asking a waiver of all costs and charges.

Because of the passing of time it appears possible that there may not be anyone now in FBI HQ who has knowledge of the central facts. I therefore repeat some to help you see that there is just cause for this request for expedited processing.

After Nosenko defected to the CIA he was made available to the FBI by the CIA, in Fairfax County, Va. After several interviews by several FBI agents, whose reports were in several instances given to the Warren Commission, Director Hoover had these agents arrange for Nosenko to agree to testify before the Warren Commission. I have no reason to believe that this was asked of Mr. Hoover. (I believe that this alone contradicts Epstein's conjectures.)

Illustrative of the kinds of information that are of immediate interest to me are the following things of which Epstein has written and spoken:

He says that the FBI sought to have complete control over Nosenko, thus interfering with the CIA in its responsibilities. I believe that there is another set of facts and circumstances, and that whatever control the FBI may have sought to exert over one in the custody of the CIA was limited to its responsibilities to the JFK assassination investigation and to the Warren Commission.

(What may be unknown to anyone in your Branch is the fact that there was relevant discussion of the subject of Oswald as somebody's agent before the Members only of the Warren Commission, with their general counsel, on 1/27/64. If your files do not hold this transcript it is published in facsimile in my book Whitewash IV. Allen Dulles, formerly DCI, told the other Members that if Oswald had been what Nosenko described as "an American sleeper agent," this would not have involved the FBI, overseas being the responsibility of the CIA. Under these circumstances I see cause for the FBI having great concern over unimpeded access to Nosenko and whatever information he could provide.)

There are two other factual errors I have come across on Epstein's writing in seeking to give accurate information to a TV network that consulted me yesterday afternoon. Both relate to the foregoing in different ways. They are the kinds of errors I do not regard as accidental in a work of such pretensions and on which there has been a reported investment of a half million dollars and considerable editorial and other effort.

I do not mean to suggest there are only two factual errors. Rather do I mean to use these to illustrate, especially as response to Epstein's exploitation.

Epstein says that Oswald reached England on October 9, 1959 and left the same day. This appears to be because if he did not leave England on the 9th there was no way in which he could have reached Helsinki before midnight on the 10th, when without question he was registered in a hotel there. Oswald's passport shows that he left England on the 10th. (Because you may receive other inquiries I enclose copies of the proof of both statements from the Warren Commission's volumes 18 and 26.)

Epstein also misrepresents that Richard Helms asked to see Chairman Warren on the morning of June 24, 1964, to discuss the Nosenko-Oswald matter, that there was this meeting and that as a consequence the chairman called an executive session of the other members that afternoon, June 24.

The FBI may or may not be aware that from the moment Director Hoover informed the Commission of Nosenko's availability to testify the CIA, particularly Richard Helms and the Angleton staff, did all they could to prevent Nosenko's testifying.

The fact is that the executive session in question was the day before, June 23, and that any meeting between Richard Helms and Chairman Warren on June 24 followed the executive session relating to Nosenko.

It is also the fact that as of today the CIA is preventing my obtaining the transcript of the June 23 session. (C.A.75-1448.) Thus what the Commission Members knew and discussed remains secret except that the CIA appears to have made it available to Epstein, along with Nosenko, who it "sent" to him.

From my knowledge of FBI practise of the past it appears certain that much if not all of what I seek has already been compiled by the FBI. If I am correct then compliance with this request is virtually a matter of xeroxing collected records.

However, I do mean this to be an inclusive request, for more than my present interest, which includes being able to inform media people fully and accurately. (That this has me defending the FBI is not entirely without precedent, despite the FBI records I have seen.) I believe it was more than right and proper for the FBI to arrange for Nosenko to be available for Commission testimony. I believe it was essential. Yet apparently because of the CIA's operations Nosenko's name is not mentioned in the Warren Report. So I do want as full a record to be available in the archive I am leaving for the future. In addition, I have commenced a book on this aspect.

For there to be full response I believe it will be necessary to provide files from various field offices, including the offices of Legats. It is a practical impossibility for me to continue writing each one of them, as I have been forced to do. I am asking that I obtain the relevant records from these other offices.

Another area of particular interest to me in the present is Epstein's representations about what Nosenko said of his own knowledge of the KGB's Oswald file. I am familiar with the FBI records that are available at the National Archives. They state other than what Epstein now says. I do not believe that the FBI agents lied about this. I believe that if not at the time of the FBI's Nosenko interviews more recently the FBI had occasion to determine the truth about this and related matters. Such an evaluation would be of importance to me in responding to media inquiries.

I do hope you will send me what is available without time-consuming search as soon as you possibly can.

Sincerely,

Harold Weisberg